

# **Exhibit A**

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

**SPACE EXPLORATION  
TECHNOLOGIES CORP.,**

**Plaintiff,**

**v.**

**NATIONAL LABOR RELATIONS  
BOARD, a federal administrative agency,  
JENNIFER ABRUZZO, in her official  
capacity as the General Counsel of the  
National Labor Relations Board, LAUREN  
M. McFERRAN, in her official capacity as  
the Chairman of the National Labor  
Relations Board, MARVIN E. KAPLAN,  
GWYNNE A. WILCOX, and DAVID M.  
PROUTY, in their official capacities as  
Board Members of the National Labor  
Relations Board, and JOHN DOE in his  
official capacity as an Administrative Law  
Judge of the National Labor Relations  
Board,**

**Defendants.**

Civil Action No. 1:24-cv-00001

**DECLARATION OF CATHERINE L. ESCHBACH IN SUPPORT OF PLAINTIFF  
SPACEX'S OPPOSITION TO MOTION TO EXPEDITE BRIEFING ON DEFENDANTS'  
MOTION TO TRANSFER VENUE PURSUANT TO 28 U.S.C § 1406(a) AND § 1404(a)  
OR, IN THE ALTERNATIVE, PLAINTIFF'S REQUEST TO RECIPROCALLY  
EXPEDITE PRELIMINARY INJUNCTION BRIEFING**

Pursuant to 28 U.S.C. § 1746, I, Catherine L. Eschbach, declare as follows:

1. I am an attorney in Morgan, Lewis, and Bockius LLP's Houston, Texas office and represent Plaintiff Space Exploration Technologies Corp. ("SpaceX") in this matter. I am the Attorney-in-Charge under the local rules for this matter.

2. On Friday, January 5, 2024 at 2:15 p.m. CST, counsel for the NLRB Defendants, David Boehm, sent an email stating "We intend to move the court to transfer this case to the Central District of California" and asking SpaceX's position on the forthcoming motion.

3. The parties exchanged further correspondence about the basis for the motion that evening.

4. On Monday, January 8, 2024 at 3:41 p.m. CST, after waiting for and not receiving a response from the NLRB's counsel on a separate issue, I emailed Mr. Boehm and informed him that SpaceX opposed the motion to transfer venue.

5. On Tuesday, January 16, 2024 at 12:38 p.m. CST, counsel for the NLRB, Daniel Becker sent an emailing informing me "that Defendants intend to file a motion to expedite briefing on their motion to transfer" and asking SpaceX's position.

6. On Tuesday, January 16, 2024 at 3:45 p.m. CST, I sent the following email message to Mr. Becker:

While we agree it is important to get these issues resolve expeditiously, the tight timeframe for Judge Olvera to rule on the transfer motion and the PI is the direct result of the NLRB's refusal thus far to agree to stay or postpone the March 5 hearing. You also informed us on Friday that you intend to move to extend your response deadline on the PI motion until after the motion to transfer is ruled on, which would make it extremely difficult for the parties to get the PI motion resolved in Texas or California before the

March 5 hearing. Are you still planning to seek postponement of the briefing on the PI motion? Or would the NLRB agree to a reciprocal expedited briefing schedule on the PI motion to ensure timely resolution of both parties' motions? It is highly burdensome for our client, which is in the midst of also having to prepare for the NLRB hearing, to prepare the response to the motion to transfer on an expedited basis. But if the NLRB is committed to getting both motions resolved quickly, we can agree to expediting the briefing on both motions according to the dates you propose below.

7. On Tuesday, January 16 at 4:25 p.m. CST, Mr. Becker responded that the NLRB was "no longer seek[ing] to postpone briefing on the PI motion" and it "[was not] willing to expedite that briefing, which you told us on Friday would proceed on the default schedule set forth in the court's rules because of the complexity of the issues there."

8. Attached as Exhibit A-1 is a true and correct copy of a letter dated January 17, 2024, from Mori Rubin, the NLRB Regional Director, denying SpaceX's Motion to Extend Time for Filing Its Answer to the Complaint and Motion to Postpone the Hearing and finding "that proper cause has not been shown to postpone the hearing date" from March 5, 2024.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 17, 2024, in Houston, Texas.



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Catherine Lynn Eschbach